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| 09/829,937 | 04/11/2001 | David A. Bolnick | 5957-71800 | 7702 | |
| 35690 7590 01/22/2009 MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C. P.O. BOX 398 | | | EXAN | EXAMINER | |
| | | | TRUONG, LAN DAI T | | |
| AUSTIN, TX 78767-0398 | | | ART UNIT | PAPER NUMBER | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Application No. Applicant(s) 09/829.937 BOLNICK ET AL. Office Action Summary Examiner Art Unit LAN-DAI Thi TRUONG 2452 -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS. WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). Status 1) Responsive to communication(s) filed on 09 October 2008. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 54-143 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) _____ is/are allowed. 6) Claim(s) _____ is/are rejected. is/are objected to. 7) Claim(s) 8) Claim(s) 54-143 are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abevance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner, Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s)

1) Notice of References Cited (PTO-892)

Paper No(s)/Mail Date

Notice of Draftsperson's Patent Drawing Review (PTO-948)

Information Disclosure Statement(s) (FTO/SB/00)

Interview Summary (PTO-413)
 Paper No(s)/Mail Date.

6) Other:

5) Notice of Informal Patent Application



Application No.

DETAILED ACTION

This action is response to communications: application, filed on 04/11/2001;
 amendment filed on 10/09/2008. Claims 54-143 are pending; claims 54-56, 73, 84-85, 89, 104
 and 107 are amended; claims 133-143 are newly added.

Restriction

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

Group I: claims 54, 112-114.

Group II: claims 55, 115-117 and 133.

Group III: claims 56-103, 118-129 and 134-137.

Group IV: claims 104-111, 130-132 and 138.

Group V: claim 139-143.

- 3. The inventions are distinct, each from the other because of the following reasons:
- a) Inventions of group I (claims 54, 112-114) and group II (claims 55, 115-117, 133) are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable.

 Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c), 806.05 (d)). In the instant case, the combination as claimed does not require the particulars of the

subcombination as claimed because the combination (i.e. group II (55, 115-117, 133)) does not rely upon specific limitations (e.g. sending, via a public network, a first set of information identifying a plurality business entities to an information distribution service, wherein said first set of information is received via a first account of the information distribution service that is associated with a first user, and wherein said first set of information is usable by the information distribution service to associate said plurality of business entities to provide content that is accessible via the first account of the information distribution service; wherein the received content from each of the first two business entities is not provided by the business entity to other user account of the information distribution service; providing sharing control information to said information distribution service via said public network, wherein said sharing information is received via said first account and specifies other user account of said information service that are permitted to access specified personal information associated with said first account; subsequent to said sending, conveying request for access to said first account of said information distribution service via said public network) from group I (claims 54, 112-114) for it patentability. The combination also has separate utilities such as (e.g. one or more servers; stored said received content from at least two business entities in a database accessible to said one or more servers; store user content, wherein said user content relates to other accounts of the information service; receive a request from a client computer to log on to said first account; automatically provide information to said client computer, wherein said information is usable to concurrently display at least a indication of said first and second pieces of content, and wherein said provided information includes said user content). Therefore inventions from group I (claims

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54, 112-114) and Group II (claims 55, 115-117, 133) are distinct and restriction is proper, see (MPEP; 802.01 [R-5].II; 806.05 (c) [R-5]. II).

b) Inventions of group I (claims 54, 112-114) and group III (claims 56-103, 118-129, 134-137) are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the combination (i.e. III (claims 56-103, 118-129, 134-137)) does not rely upon specific limitations (e.g. sending, via a public network, a first set of information identifying a plurality business entities to an information distribution service, wherein said first set of information is received via a first account of the information distribution service that is associated with a first user, and wherein said first set of information is usable by the information distribution service to associate said plurality of business entities to provide content that is accessible via the first account of the information distribution service; wherein the received content from each of the first two business entities is not provided by the business entity to other user account of the information distribution service; providing sharing control information to said information distribution service via said public network, wherein said sharing information is received via said first account and specifies other user account of said information service that are permitted to access specified personal information associated with said first account; subsequent to said sending, conveying request for access to said first account of said information

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distribution service via said public network) from group I (claims 54, 112-114) for it patentability. The group III (claims 56-103, 118-129, 134-137) also has separate utilities such as (e.g. the received message further include a third message, wherein said third message includes information corresponding to a second account of said information distribution service, and wherein the second account corresponds to second user of said information distribution service; wherein said one or more application servers are configured to store the received messages in said memory subsystem, including the first, second and third message; wherein the one or more application server are configured to generate a report for the first account; wherein the report for the first account includes at least an indication of the first, second, and the third messages; wherein the one or more application servers are configured to store the report for the first account). Therefore inventions from group I (claims 54, 112-114) and group III (claims 56-103, 118-129, 134-137) are distinct and restriction is proper see (MPEP: 802.01 [R-5].II; 806.05 (c)

c) Inventions of group I (claims 54, 112-114) and group IV (claims 104-111, 130-132, 138) are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable.

Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the combination (i.e. group IV (claims 104-111, 130-132, 138)) does not rely upon specific limitations (e.g. sending, via a public network, a first set of information identifying

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a plurality business entities to an information distribution service, wherein said first set of information is received via a first account of the information distribution service that is associated with a first user, and wherein said first set of information is usable by the information distribution service to associate said plurality of business entities to provide content that is accessible via the first account of the information distribution service; wherein the received content from each of the first two business entities is not provided by the business entity to other user account of the information distribution service; providing sharing control information to said information distribution service via said public network, wherein said sharing information is received via said first account and specifies other user account of said information service that are permitted to access specified personal information associated with said first account; subsequent to said sending, conveying request for access to said first account of said information distribution service via said public network) from group I (claims 54, 112-114) for it patentability. The group IV (claims 104-111, 130-132, 138) also has separate utilities such as (e.g. storing, at a first computer system associated with an information distribution service; substantially upon receiving, automatically pushing the selected content to a client computer system that has accessed the first account via the information distribution service, wherein the selected content is displayable on the client system using a first interface; providing the user content to the client computer system that has accessed the first account via the information distribution service; storing user content, wherein said user content relates to other accounts of the information distribution service). Therefore inventions from group I (claims 54, 112-114) and Group IV (claims 104-111, 130-132, 138) are distinct and restriction is proper see (MPEP: 802.01 [R-5].II; 806.05 (c) [R-5]. II).

d) Inventions of group I (claims 54, 112-114) and group V (claim 139-143) are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the combination (i.e. Group V (claim 139-143)) does not rely upon specific limitations (e.g. sending, via a public network, a first set of information identifying a plurality business entities to an information distribution service, wherein said first set of information is received via a first account of the information distribution service that is associated with a first user, and wherein said first set of information is usable by the information distribution service to associate said plurality of business entities to provide content that is accessible via the first account of the information distribution service; wherein the received content from each of the first two business entities is not provided by the business entity to other user account of the information distribution service; providing sharing control information to said information distribution service via said public network, wherein said sharing information is received via said first account and specifies other user account of said information service that are permitted to access specified personal information associated with said first account; subsequent to said sending, conveying request for access to said first account of said information distribution service via said public network) from group I (claims 54, 112-114) for it patentability. The group V (claim 139-143) also has separate utilities such as (e.g. store first account information corresponding to a

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first account of an information distribution service, wherein the first account is associated with a first user, wherein the information distribution service stores information indicating that a second account of the information service is linked to the first account, wherein the second account is associated with a second user; receive, from a client computer over a network, a request to access the first account; in response to the request being valid, providing the first set of information and information corresponding to the second account to the client computer over the network in manner that causes the concurrent display of the first set of information and information corresponding to the second account in the client computer). Therefore inventions from group I (claims 54, 112-114) and Group V (claim 139-143) are distinct and restriction is proper see (MPEP: 802.01 [R-5].II; 806.05 (c) [R-5]. II).

e) Inventions of group II (claims 55, 115-117, 133) and group III (claims 56-103, 118129, 134-137) are related as subcombinations disclosed as usable together in a single
combination. The subcombinations are distinct from each other if they are shown to be
separately usable. Inventions in this relationship are distinct if it can be shown that (1) the
combination as claimed does not require the particulars of the subcombination as claimed for
patentability, and (2) that the subcombination has utility by itself or in other combinations
(MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the
particulars of the subcombination as claimed because the combination (i.e. Group III (claims 56103, 118-129, 134-137)) does not rely upon specific limitations (e.g. store received content from
at least two of plurality of business entities in a data accessible to said one ore more server;
select content from the stored content having an associated value satisfying one or more timebased criteria specified by the information distribution service, receive a request from a client

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computer to log on to said first account; in response to said client computer logging on the said information distribution service, automatically provide information to said client computer) from group II (claims 55, 115-117, 133) for it patentability. The group III (claims 56-103, 118-129, 134-137) has separate utilities such as (e.g. the received message further include a third message, wherein said third message includes information corresponding to a second account of said information distribution service, and wherein the second account corresponds to second user of said information distribution service; wherein said one or more application servers are configured to store the received messages in said memory subsystem, including the first, second and third message; wherein the one or more application server are configured to generate a report for the first account; wherein the report for the first account includes at least an indication of the first, second, and the third messages; wherein the one or more application servers are configured to store the report for the first account). Therefore inventions from group II (claims 55, 115-117, 133) and Group III (claims 56-103, 118-129, 134-137) are distinct and restriction is proper see (MPEP: 802.01 [R-5].II; 806.05 (c) [R-5]. II).

f) Inventions of group II (claims 55, 115-117, 133) and group IV (claims 104-111, 130-132, 138) are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the combination (i.e. Group IV (claims 104-111, 130-132, 138)) does not rely

upon specific limitations (e.g. store received content from at least two of plurality of business entities in a data accessible to said one ore more server; select content from the stored content having an associated value satisfying one or more time-based criteria specified by the information distribution service, receive a request from a client computer to log on to said first account; in response to said client computer logging on the said information distribution service, automatically provide information to said client computer, wherein said information is usable to concurrently display at least an indication of said first and second pieces of content, and wherein provided information includes said user content; wherein said first and second pieces of content are not provided to other accounts of the information distribution service by the first and the second business entities, respectively) from group II (claims 55, 115-117, 133) for it patentability. The group IV (claims 104-111, 130-132, 138) also has separate utilities such as (e.g. substantially upon receiving, automatically pushing the selected content to a client computer system that has accessed the first account via the information distribution service, wherein the selected content is displayable on the client system using a first interface; providing the user content to the client computer system that has accessed the first account via the information distribution service). Therefore inventions from group II (claims 55, 115-117, 133) and group IV (claims 104-111, 130-132, 138) are distinct and restriction is proper see (MPEP: 802.01 [R-5].II; 806.05 (c) [R-5]. II).

g) Inventions of group II (claims 55, 115-117, 133) and group V (claim 139-143) are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable.

Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed

does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the combination (i.e. group V (claim 139-143)) does not rely upon specific limitations (e.g. associate a plurality of business entities with a first account of an information distribution service, permitting the plurality of business to push content to the first account via the information distribution service, wherein the first account is associated with the first user of the information distribution service; receive, via said information distribution service, content from at least two of said plurality of business entities, wherein said received content from each of the at least two of business entities includes personal, non-public information relating to the first user and has associated value indicative of a time-based priority of that content; store received content from at least two of plurality of business entities in a data accessible to said one ore more server; select content from the stored content having an associated value satisfying one or more time-based criteria specified by the information distribution service, receive a request from a client computer to log on to said first account; in response to said client computer logging on the said information distribution service, automatically provide information to said client computer, wherein said information is usable to concurrently display at least an indication of said first and second pieces of content, and wherein provided information includes said user content; wherein said first and second pieces of content are not provided to other accounts of the information distribution service by the first and the second business entities, respectively) from group II (claims 55, 115-117, 133) for it patentability. The group V (claim 139-143) also has separate utility such as (e.g., wherein the information distribution service stores information

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indicating that a second account of the information distribution service is linked to the first account, wherein the second account is associated with the second user). Therefore inventions from group II (claims 55, 115-117, 133) and group V (claim 139-143) are distinct and restriction is proper see (MPEP: 802.01 [R-5].II; 806.05 (c) [R-5]. II).

h) Inventions of group III (claims 56-103, 118-129, 134-137) and group IV (claims 104-111, 130-132, 138) are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the combination (i.e. Group IV (claims 104-111, 130-132, 138)) does not rely upon specific limitations (e.g. a memory subsystem; one or more application servers configured to receive, via secure links to said information distribution service, messages including personal information relating to users of said information distribution service, wherein said users include a first user, wherein at least some of said messages are received from a plurality of business entities; wherein the received messages further include a third message, wherein said third message includes information corresponding to a second account of said information distribution service, and wherein the second account corresponds to a second user of said information distribution service, wherein the second account has been associated with the first account, and wherein said first account is independent from said second account; wherein said one or more application servers are configured to store the

received messages in said memory subsystem, including the first second, and third_messages) from group III (claims 56-103, 118-129, 134-137) for it patentability. The group IV (claims 104-111, 130-132, 138) also has separate utilities such as (e.g. storing, at a first computer system associated with an information distribution service, information specifying that a plurality of business entities are permitted to push personalized content to a first account of the information distribution service associated with a first user; distribution service, wherein the selected content is displayable on the client computer system using a first interface; storing user content, wherein said user content relates to other accounts of the information distribution service, wherein said first account is independent from said other accounts; and providing the user content to the client computer system that has accessed the first account via the information distribution service).

Therefore inventions from group III (claims 56-103, 118-129, 134-137) and group IV (claims 104-111, 130-132, 138) are distinct and restriction is proper see (MPEP: 802.01 [R-5].II; 806.05 (c) [R-5]. II).

i) Inventions of group III (claims 56-103, 118-129, 134-137) and group V (claims 139143) are related as subcombinations disclosed as usable together in a single combination. The
subcombinations are distinct from each other if they are shown to be separately usable.

Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed
does not require the particulars of the subcombination as claimed for patentability, and (2) that
the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the
instant case, the combination as claimed does not require the particulars of the subcombination
as claimed because the combination (i.e. Group IV (claims 104-111, 130-132, 138)) does not rely
upon specific limitations (e.g. the message received from a plurality of business entities

including first and second messages, wherein the first and second messages each include personal, non-public information relating to said first user and message is received from a first business entity, wherein the second message is received from a second business entity; wherein said first and second business entities have been associated with a first account of said information distribution service, permitting said first and second business entities to provide, via said information distribution service, messages to said first account that include personal information relating to said first user, wherein the first account is associated with the first user; wherein the received messages further include a third message, wherein said third message includes information corresponding to a second account of said information distribution service. and wherein the second account corresponds to a second user of said information distribution service; wherein said one or more application servers are configured to store the received messages in said memory subsystem, including the first second, and third messages; wherein the one or more application servers are configured to generate a report for the first account by selecting the stored messages that are directed to the first account and whose time-based priorities satisfy one or more time-based criteria, wherein the report for the first account includes at least an indication of the first, second, and third messages; wherein the one or more application servers are configured to store the report for the first account) from group III (claims 56-103, 118-129, 134-137) for it patentability. The group V (claims 139-143) also has separate utilities such as (e.g. storing, at a first computer system associated with an information distribution service, information specifying that a plurality of business entities are permitted to push personalized content to a first account of the information distribution service associated with a first user; distribution service, wherein the selected content is displayable on the client

computer system using a first interface; storing user content, wherein said user content relates to other accounts of the information distribution service, wherein said first account is independent from said other accounts; and providing the user content to the client computer system that has accessed the first account via the information distribution service). Therefore inventions from III (claims 56-103, 118-129, 134-137) and group V (claims 139-143) are distinct and restriction is proper see (MPEP: 802.01 [R-5].II; 806.05 (c) [R-5]. II). each include an indication of a time-based priority of the message, wherein the first

j) Inventions group IV (claims 104-111, 130-132, 138) and group V (claims 139-143) are related as combination and subcombination disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the combination (i.e. group V (claims 139-143)) does not rely upon specific limitations (e.g. storing, at a first computer system associated with an information distribution service, information specifying that a plurality of business entities are permitted to push personalized content to a first account of the information distribution service associated with a first user; receiving, at the first computer system, personalized content from at least two to the plurality of business entities, wherein the received content includes personal, non-public information that relates to the first user and that is unique to the first user relative to other users of the information distribution service, wherein the received content from each of the at least two

business entities has an associated time value indicative of a time-based priority of the content; the first computer system automatically selecting, from the received content, content whose associated time value satisfies one or more time-based criteria specified by the information distribution service) from group IV (claim 104) for it patentability. The group V (claims 139-143) also has separate utilities such as (e.g. store first account information corresponding to a first account of an information distribution service, wherein the first account is associated with a first user, wherein the information distribution service stores information indicating that a second account of the information distribution service is linked to the first account, wherein the second account is associated with a second user, and wherein the first account is independent from the second account; receive a first set of information from a plurality of business entities that have been linked with the first account via the information distribution service, wherein the first set of information is for provision to only the first account; receive, from a client computer over a network, a request to access the first account; in response to the request being valid: provide the first set of information and information corresponding to the second account to the client computer over the network in a manner that causes the concurrent display of the first set of information and information corresponding to the second account on the client computer). Therefore inventions from group IV (claims 104-111, 130-132, 138) and group V (claims 139-143) are distinct and restriction is proper see (MPEP: 802.01 [R-5].II; 806.05 (c) [R-5]. II).

Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art due to their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include confirmation to the election of the invention to be examined is the response to this office action.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Conclusions

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAN-DAI Thi TRUONG whose telephone number is (571)272-7959. The examiner can normally be reached on Monday- Friday from 8:30am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

01/20/2009

/Kenny S Lin/ Primary Examiner, Art Unit 2452